

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Susan M. Boltz-Rubinstein,
Debtor.

CHAPTER 13

Case No. 10-16541-elf

Susan M. Boltz-Rubinstein,
Plaintiff,

Adversary Proceeding No.: 16-00362

v.

Bank of America, N.A. and United Guaranty
Residential Insurance Company of North
America,

Defendants.

ORDER

AND NOW, this __ day of _____, 201__, upon consideration of Defendant, Bank of America, N.A.'s ("BANA") Motion to Dismiss, and any response thereto by Debtor Susan M. Boltz-Rubinstein, and any argument thereon, it is hereby **ORDERED** that the Motion is **GRANTED** and that Debtor's Amended Complaint is hereby **DISMISSED WITH PREJUDICE** in its entirety as to BANA.

BY THE COURT:

United States Bankruptcy Judge
United States Bankruptcy Court
Eastern District of Pennsylvania

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DEFENDANT BANK OF AMERICA, N.A.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), which is made applicable by Federal Rule of Bankruptcy Procedure 7012, Defendant, Bank of America, N.A. ("BANA"), by and through its undersigned counsel, hereby moves this Court for an Order dismissing Debtor Susan M. Boltz-Rubinstein's Amended Complaint for failure to state a claim upon which relief may be granted. The factual and legal grounds for this Motion are set forth in the accompanying Memorandum of Law which is filed contemporaneously herewith and incorporated herein by reference as if set forth in full.

Respectfully submitted,

/s/ Daniel P. Wotherspoon

Daniel P. Wotherspoon (SBN 316311)

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Counsel for Defendant Bank of America, N.A.

Dated: December 21, 2016

CERTIFICATE OF SERVICE

I, Daniel P. Wotherspoon, hereby certify that on December 21, 2016, a true and correct copy of the foregoing Motion to Dismiss and Memorandum of Law in support thereof were filed electronically using this Court's ECF system and that the same is available for viewing and downloading therefrom. I further certify that a copy of the foregoing was served via first class, U.S. mail, postage pre-paid upon the following:

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/s/Daniel P. Wotherspoon
Daniel P. Wotherspoon